

CHARTER COMMISSION PROPOSALS

**BY
THOMAS G. BARANSKI**

REALIGNMENT OF CITY AND SCHOOL BOARD DISTRICTS

- 1) Do away with super districts and replace with wards and districts with roughly the same percent of population in each area. There is no justification for super districts except to make it more difficult to replace incumbents.**
- 2) Increase the number of councilpersons to 15 to keep in line with city growth and keep the aldermen more responsive to those they represent.**
- 3) Any annexed area with more than 200 voters will be given a special voting alderman that resides in that area until the next general election after the realignment of the city wards.**
- 4) The city is not to be expanded beyond the Shelby County line and cannot annex any land beyond the current (January 1, 2007) Memphis city boundaries without a majority vote of the registered citizens of that area approving said annexation. Any area annexed after the above date will have the option of an annexation election.**
- 5) The Memphis School Board current boundaries are not to be expanded beyond current area (January 1, 2007) under any circumstances.**
- 6) Memphis School Board will be created as a separate entity not controlled by the city and will have its own budget and taxing power and elections for members will be held at the city general elections. Members shall serve for four years and will have the same boundaries as the city wards with elections of half of the board at each city two-year election.**
- 7) (A suggestion would be that the Shelby County School board will be created as a separate entity not controlled by the County Commission and will have its own budget and taxing power also.)**
- 8) The Memphis City School board will make provisions to begin operating the school system all year long with the year divided into four quarters with appropriate breaks and holidays.**
- 9) The number of city appointed officials shall be limited as defined by the city council and their salary range will be established by the city council not the mayor.**

- 10) All salary increase requests will be submitted to the appropriate council (or school board) committee which shall be allowed to debate in private, but must be approved by the full council (or board) in public vote.**
- 11) The mayoral and council and school board salaries shall be approved by vote of the citizens at the city general elections and be fixed until the next city general election. The salaries will be fixed for a four-year period.**
- 12) The mayoral position will be limited to two four year terms and the council positions shall be limited to two four year terms with only half (plus one) of the council being up for election at any one election. City elections will be held every two years and the mayor election will be held on the year the fewer number of council positions are up for election. All councilpersons must live in the district they desire to represent. In the event a person is elected to replace an empty seat in midterm, the person can serve only to finish out that term plus one more four-year term making six year the maximum that person can serve. The council or board may make interim appointment until the next election. Election will be by majority vote with no runoff provision.**
- 13) Any elected official seeking election to any different position, must resign from his current position effective on Election Day to avoid special elections.**
- 14) All City Council and School Board retreats shall be held within Shelby County and all out of town travel for any member of either entity shall be approved prior to travel with a specific amount allowed for expenses.**
- 15) Changes to the city charter will be done by proposition submitted to the county election commission by petition of five percent of the total votes in the previous city election at least six months prior to the next city election. If the petition is found to be valid, it must be placed on the ballot and the council may not seek court action to prevent it from being on the ballot.**
- 16) It should be noted that councilpersons are eliminated from participating in most of the provisions and that is to assure that a cross section of qualified citizens are elected to the city council, not just a person seeking part time compensation and benefits.**
- 17) The City Council will have the power to remove any appointed official with cause at anytime by a majority vote. The city council may not remove any other council member; however, that member, if under indictment, will not hold any committee positions including any leadership position on the council and will not be allowed to vote on any matter regarding him or herself. Once convicted of the indictment, the councilperson or appointed official if not already removed from office will automatically removed from office appeal notwithstanding and lose any accumulated retirement or**

health benefits including any amount the city or board has paid into his account.

- 18) All outside contracts over an amount specified by the council and specifically consulting contracts in any amount requested by the mayor must be approved by the council.
- 19) All retainer fees for professional services including legal service must be approved by the council. When an alternate professional service is requested for other than for the retained service, council approval must be given.

RETIREMENT AND OTHER BENEFITS CONDITIONS

- 1) All Defined Retirement Plans will be canceled and rolled over in to 401(c) type plans for all employees and elected officials as is happening with all industry through out the USA. In the event this provision is not enacted, vesting in any retirement plan will be those prescribed by the Federal Government, but not less than five years.
- 2) All elected officials and employees of the city except members of the City council will be automatically enrolled in the 401-type plan, but may opt out exempting themselves from benefits of the plan.
- 3) Elected members of the City Council will not be eligible for any retirement plan from the city what-so-ever effective the date of the approval of this provision.
- 4) No service or employment time or credits at any other entity or political employment shall be used to determine any retirement benefits, except those provided by the Federal Government for 401-c plans. "Buy back in plans" are specifically prohibited.
- 5) Only appointed officials that have received city council approval and consent shall be eligible for city retirement. These must be full time employment positions All other temporarily appointed officials will be considered independent contractors and not eligible for any retirement plans what so ever.
- 6) Conversion from the current Defined Retirement Plan will be accomplished by a recognized retirement planning company and the offered investment options shall be from stable low cost no load mutual fund companies allowing employees to have a wide variety of choices.

- 7) The standard retirement age will be 65 except for police and firemen who will be allowed to retire at 59 without penalty but are not required to do so. All federal rules with respect other early retirement will be used.**
- 8) Employees of Memphis Light Gas and Water shall be considered city employees and all provisions stated above for Memphis city employees shall apply to them, except there shall be no transfer of retirement credits or time between the two separate entities. It will be considered a termination and new hire between unrelated entities. Transfer of employee owned 401 (c) owned retirement plan money will be governed by Federal Law.**
- 9) The Memphis City School System shall like wise be considered city employees and as with the MLG&W the two will be considered separate entities as it relates to hiring, salaries, transfers, and benefits. It is to be recognized that some schools that later become located in Memphis because of annexation will not be part of the Memphis School System, but will remain as part of the County system; and, therefore a separate entity and governed by the Shelby County provisions.**
- 10) Health benefits (except for city councilpersons who shall not be eligible) will continue until the age of 65 and at that time be terminated with employees to then be eligible for Federal Medicare plans. To be eligible for Medicare current payments will be adjusted accordingly. Early retirement will also terminate health benefits and employees will be expected to arrange for private insurance, as is done in most of private industry. Police and fire employees that desire to continue to retain health benefits up to 65 will be given priority to transfer to other city jobs as they may be available at the established salary for that new position.**
- 11) Upon ratification of many of the above provisions it is recognized that some will cause conflicts with certain union contracts. At that point all city union contract will be subject to renegotiation to align those contract with the city charter provisions.**